

Amended Regulation 4-2-6

Concerning The Definition Of The Term “Complications Of Pregnancy” For Use In Accident And Health Insurance Policies

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Section 1. Authority

This amended regulation is promulgated under the authority granted to the Commissioner of Insurance under Sections 10-1-109, 10-16-109 and 10-3-1110, C.R.S.

Section 2. Purpose

The purpose of this regulation is to standardize the definition of the term “complications of pregnancy” as employed in sickness and accident insurance policies covering residents of this state consistent with the commonly perceived connotation of this term by the general public.

Section 3. Scope

This regulation shall apply to all entities marketing or selling policies of sickness and accident insurance within the State of Colorado; except that this regulation will not apply to Medicare supplement insurance policies and a waiver of premium or double indemnity benefit included in a life insurance policy or annuity contract.

Section 4. Definitions

For the purposes of this regulation "Complications of pregnancy" shall mean:

- (1) Conditions (when the pregnancy is not terminated) whose diagnoses are distinct from pregnancy but are adversely affected by pregnancy or are caused by pregnancy, such as acute nephritis, nephrosis, cardiac decompensation, missed abortion, and similar medical and surgical

conditions of comparable severity, but shall not include false labor, occasional spotting, physician-prescribed rest during the period of pregnancy, morning sickness, hyperemesis gravidarum, preeclampsia, and similar conditions associated with the management of a difficult pregnancy not constituting a nosologically distinct complication of pregnancy;

(2) Non-elective cesarean section, ectopic pregnancy, which is terminated, and spontaneous termination of pregnancy, which occurs during a period of gestation in which a viable birth is not possible.

Section 5. Rules

All insurers marketing sickness and accident insurance policies, as defined in this regulation, delivered or issued for delivery in the State of Colorado shall employ in each insurance policy or certificate of insurance a definition of the complications of pregnancy no more restrictive than that required by this regulation.

NOTE: All insurers, nonprofit hospital and health service corporations under 10-16-101, et seq., C.R.S., marketing group sickness and accident coverage within the State of Colorado should be aware that both the Colorado Civil Rights Commission, pursuant to 24-34-402(1)(a) and (3), C.R.S., and the Federal Equal Employment Opportunity Commission, in accordance with 42 U.S.C. 2000 e(k), require that all such coverage provided to the employees as an employment benefit treat a normal pregnancy the same as a sickness.

Section 6. Enforcement

Noncompliance with this regulation may result, after proper notice and hearing, in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance or other laws which include the imposition of fines and/or suspension or revocation of license.

Section 7. Severability

If any provisions of this regulation or the application thereof to any person or circumstances are for any reason held to be invalid, the remainder of the regulation shall not be affected in any way.

Section 8. Effective Date

This amended regulation shall become effective November 1, 2000.

Section 9. History

Originally issued as Regulation 78-16, effective June 30, 1979.
Amended Regulation 78-16, effective October 1, 1983.
Renumbered as Regulation 4-2-6, effective June 1, 1992.
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